

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND**

IN RE:	Gerald R. Galleshaw	:
	Debtor	:
		:
DAVID C. FRAIOLI and NEW		:
ENGLAND AUTO CENTER, INC.		:
	Plaintiffs	:
V.		:
		:
GERALD R. GALLESASHAW,		:
Defendant		:

CASE NO: 15-11047

CHAPTER 7

ADV. PRO. NO.: 15-01023

AGREED STATEMENT OF FACTS REGARDING PLAINTIFF'S
MOTION TO ADJUDGE DEFEDNANT IN CONTEMPT

1. On or about December 21, 2015, Plaintiff served a Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Bankruptcy Case (or Adversary Proceeding) ("Subpoena") upon Defendant, Gerald R. Galleshaw ("Defendant").
2. On or about December 30, 2015, Defendant appeared at Plaintiff's counsel's law office, Bilodeau Carden, LLC. On that date Defendant did not produce any of the requested documents pursuant to the Subpoena.
3. On December 30, 2015, Plaintiff's counsel contacted Defendant's counsel via email to notify him that Defendant appeared without any documents pursuant to the Subpoena. Defendant's counsel acknowledged said email.
4. On or about January 22, 2016, Defendant provided Plaintiff with various documents relative to the Subpoena. After a diligent review of the documents provided by Defendant, the following documents are remaining outstanding:
 - a. Discover card statements;

- b. Dell statements;
- c. Citizens Bank statements from 10/2003 to 1/2006;
- d. MBNA American statements from 1/2003-11/2003; and
- e. 2005 Tax Return.

5. Defendant provided a response to Plaintiff attached to the documents provided to Plaintiff's counsel that explained the above documents are unavailable to the Defendant as they have been lost and/or destroyed. Defendant is not in possession of any additional documents beyond what has been provided to the Plaintiff. The Defendant had provided the 2005 taxes to Plaintiff's counsel at a hearing in 2014 and requested an additional copy from the IRS but was unable to order a copy as Defendant was told by the IRS that returns over seven (7) years old were unavailable. *Plaintiff does not agree with paragraph five and reserves their right to object at a hearing.*

6. On or about February 11, 2016, Defendant's counsel contacted Plaintiff's counsel via email regarding requests made by Defendant to Discovery and the IRS relative to the Discover card statements and 2005 tax return indicating that Defendant has requested said documents.

Plaintiff
By Their Attorneys,

/s/ Ryanna T. Capalbo, Esq.
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Dated: 2/11/2016

Defendant
By his Attorney,

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